

August 3, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2630**
Proposed Ordinance No. **2009-0358**
Adjacent Parcel Nos. 352506-9041 and 352506-9040

DUDLEY & LAURA REISER
Road Vacation Petition

Location: Portion of NE 8th Street right-of-way (aka Ferch Road Extension)

Petitioner: **Dudley & Laura Reiser**
23619 Northeast 7th Court
Sammamish, Washington 98074
Telephone: (425) 868-5963

King County: Department of Transportation, Road Services Division
represented by **Nicole Keller**
201 S Jackson Street
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner's:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the Hearing Examiner for road vacation petition No. V-2630 was received by the Examiner on June 19, 2008.

PUBLIC HEARING:

After reviewing the Department's report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the petition and report as follows:

The hearing was opened by the Examiner on July 15, 2009, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, Washington 98104 and then was left open administratively for receipt of a copy of a recorded easement in favor of Puget Sound Energy. The easement copy was received July 22, 2009, at which time the hearing record closed. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of NE 8th Street right-of-way (aka Ferch Road Extension)
Right of way classification:	C Class
Area:	40,537 square feet
Compensation:	\$29,592.16

2. Notice of hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Except as provided herein, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report and the statements of fact contained in Proposed Ordinance No. 2009-0358. The Department's report will be attached to those copies of this report and recommendation that are submitted to the County Council.
4. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are in the hearing record as exhibit nos. 7 and 11.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public use, and is not known to be used informally for access to any property.
6. Vacation of the right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area.
7. A necessary utility easement has been recorded in favor of Puget Sound Energy for its existing utility facilities in the current right-of-way. No other easements are necessary to be retained for construction, repair and maintenance of public utilities and services.
8. With the above grant of easement, the right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way segment subject to this petition is not useful as part of the King County road system and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2009-0358 to vacate the subject road right-of-way.

RECOMMENDED August 3, 2009.

Peter T. Donahue
King County Hearing Examiner

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before* **August 17, 2009**. If a notice of appeal is filed, the original and six copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before* **August 24, 2009**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within 21 days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE JULY 15, 2009, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2630.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller representing the Department and Petitioners Dudley and Laura Reiser.

The following exhibits were offered and entered into the record at hearing:

- Exhibit No. 1 Report to the Hearing Examiner for the July 15, 2009, hearing, with 16 attachments
- Exhibit No. 2 Letter from Clerk of the Council to KC Department of Transportation (KCDOT), transmitting petition, dated October 21, 2008
- Exhibit No. 3 Letter from Petitioners to the King County Council dated October 19, 2008 with three attachments
- Exhibit No. 4 Petition for Vacation of a County Road received October 21, 2008
- Exhibit No. 5 Copy of filing fee: check no. 1697, in the amount of \$100.00
- Exhibit No. 6 Receipt no. 00897 for filing fee dated October 21, 2008
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 Short plat no. 778143 documented under King County recording no. 8002290776
- Exhibit No. 9 Quit claim deed by Leo J. Schaller and Meta S. Peters dated February 1, 1937
- Exhibit No. 10 Quit claim deed by J. E. Bratnobar dated February 1, 1937
- Exhibit No. 11 Map depicting vacation area
- Exhibit No. 12 Final Agency Notice sent January 6, 2009
- Exhibit No. 13 Easement granted by Reiser to Puget Sound Energy Inc. dated November 12, 2008
- Exhibit No. 14 Letter from KCDOT to Petitioners dated November 26, 2008, regarding petition process and estimated compensation for vacation area
- Exhibit No. 15 Letter from KCDOT to Petitioners dated March 19, 2009, requesting compensation for vacation area
- Exhibit No. 16 Compensation Worksheet
- Exhibit No. 17 Copy of compensation payment, check no. 6030278676 in the amount of \$29,592.16
- Exhibit No. 18 Receipt no. 540818 for compensation payment, dated April 8, 2009
- Exhibit No. 19 Letter from KCDOT to KC Council recommending approval of petition, dated March 20, 2009
- Exhibit No. 20 Letter from KCDOT to KC Council transmitting proposed ordinance, dated May 28, 2009
- Exhibit No. 21 Proposed ordinance for file no. V-2630
- Exhibit No. 22 Fiscal Note
- Exhibit No. 23 Affidavit of Posting, noting posting verification on June 11, 2009
- Exhibit No. 24 Affidavit of Publication, noting July 1 and July 8, 2009, publication dates

The following exhibit was entered into the record administratively on July 22, 2009

- Exhibit No. 25 Recorded easement granted by Reiser to Puget Sound Energy Inc. dated November 12, 2008, recording no. 20090721000033

PTD:vsm
V-2630 RPT